

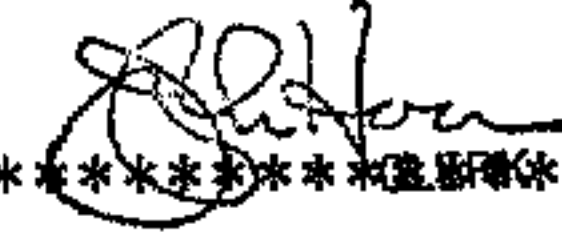
UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

SOUTHERN DIVISION

FILED

JUL 30 2003



JAMES G. ABOUREZK,

CIV. #03-4146

Plaintiff,

vs.

**AFFIDAVIT OF
MICHAEL T. MARINO**

PROBUSH.COM, INC., a Pennsylvania
corporation,

Defendant.

STATE OF PENNSYLVANIA)
 :SS
COUNTY OF MONTGOMERY)

Michael Marino, being first duly sworn upon his oath, deposes and states:

1.

That I am providing this Affidavit in my official capacity as the President of ProBush.com, Inc. ("ProBush.com").

2.

That I am a resident of Pennsylvania, where I live with my parents, Benjamin L. Marino and Cheryle A. Marino.

3.

That I am twenty years old.

4.

That I graduated from high school in 2000.

5.

That I started "ProBush.com" on August 17, 2002.

6.

That I am not a resident of South Dakota; that I have never been to South Dakota; that I have never sold merchandise in South Dakota; that I own no property in the State of South Dakota; and that to my knowledge I have never had any telephone contact with anyone in South Dakota on my own behalf (with the exception of conversations with ProBush.com's attorneys related to this lawsuit).

7.

That I am an officer and shareholder in "ProBush.com."

8.

That I started "ProBush.com" because I could find no other pro-President Bush websites; because I disagreed with the protestors and celebrities who were voicing opposition to the war in Iraq; because I wanted to make sport of the critics' arguments; and because I thought President Bush deserved to be defended against such criticism.

9.

That I believe Plaintiff Senator Abourezk was added to "ProBush.com" in December 2002 or January 2003 given that he was a signatory to the famous "Not in Our Name" petition, which opposed the war.

10.

That attached to this Affidavit are true and correct copies of the opening page of "ProBush.com," as well as the "Patriot List" and the "Traitor List" appearing on the website.

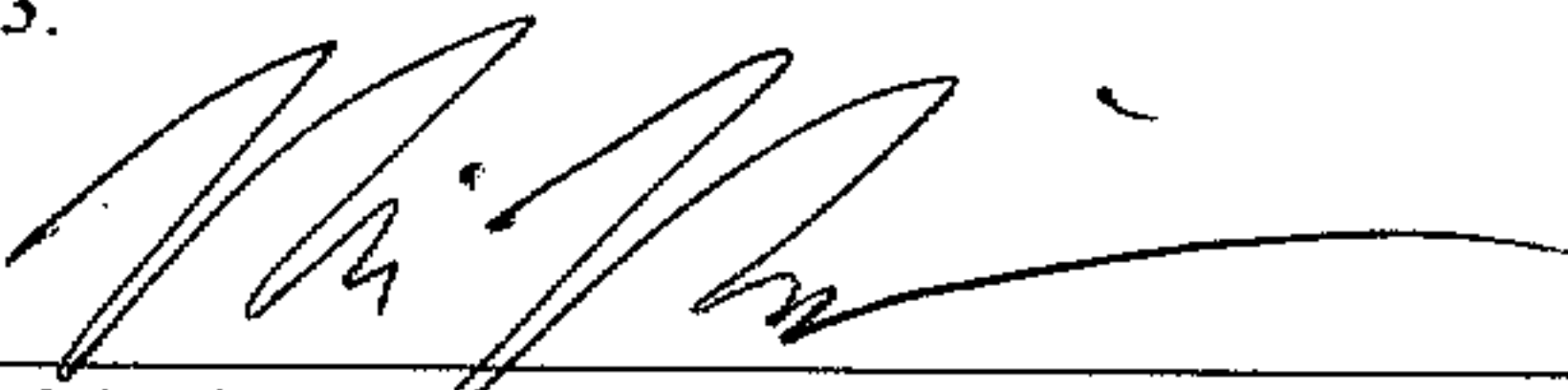
11.

That the parody disclaimer on "ProBush.com" was formerly at the bottom of the "Traitor List," but was moved to the top of the list in May 2003. The phrase "though we wish they were" was also previously included at the end of the disclaimer.

12.

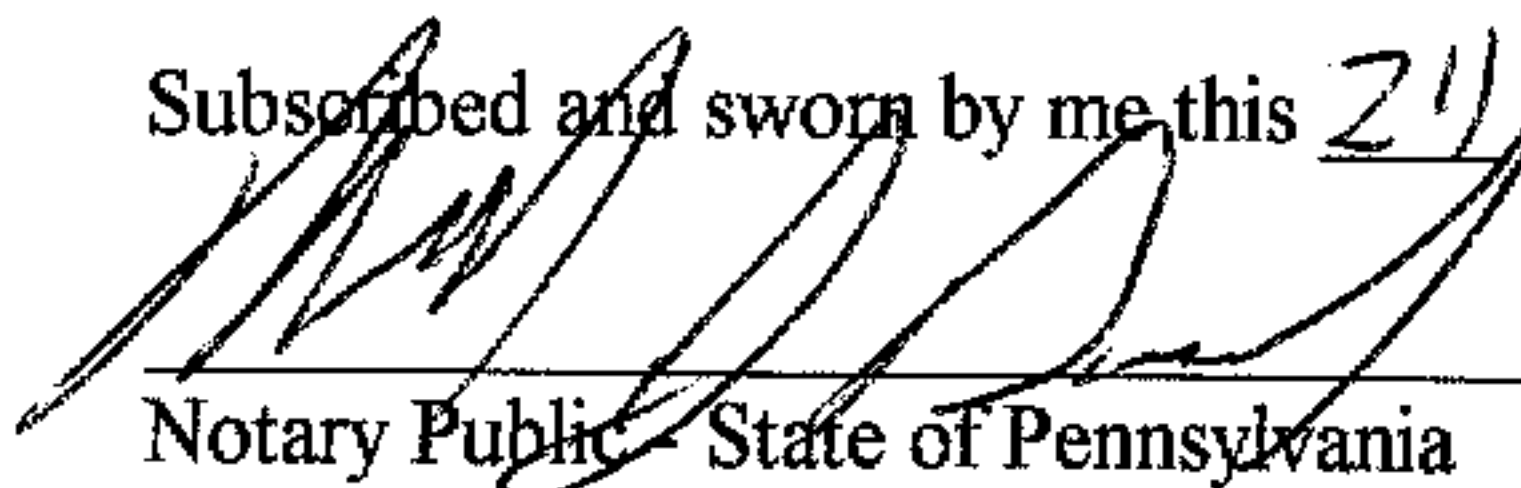
Further your Affiant sayeth not.

Dated this 24 day of July, 2003.



Michael T. Marino, President,
ProBush.com, Inc.

Subscribed and sworn by me this 24 day of July, 2003.



Notary Public - State of Pennsylvania

My Commission expires:

(SEAL)




CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of **Affidavit of Michael Marino** was on this day sent via first class mail, postage prepaid, to the following:

Todd D. Epp
Of Counsel
Abourezk Law Offices, P.C.
P.O. Box 1164
Sioux Falls, SD 57101-1164

Attorneys for the Plaintiff

Dated this 29th day of July, 2003.



Ronald A. Parsons, Jr.